

Senate File 2311 - Introduced

SENATE FILE 2311
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3169)

A BILL FOR

1 An Act relating to the criminal offenses of enticing a minor,
2 prostitution, sexual exploitation of a minor, and human
3 trafficking, providing for a fee, and including effective
4 date and applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.10, Code 2014, is amended to read as
2 follows:

3 **80B.10 Annual report.**

4 The council shall make an annual report to the governor,
5 the attorney general, and the commissioner of public safety
6 which shall include pertinent data regarding the standards
7 established and the degree of participation of agencies in
8 the training program. The report required by this section
9 shall specifically include data regarding law enforcement
10 resources devoted to training, staffing, and investigating
11 human trafficking cases.

12 Sec. 2. Section 602.8102, subsection 135A, Code 2014, is
13 amended to read as follows:

14 135A. Assess the surcharges provided by sections 911.1,
15 911.2, 911.2A, 911.3, and 911.4.

16 Sec. 3. Section 602.8108, subsection 2, Code 2014, is
17 amended to read as follows:

18 2. Except as otherwise provided, the clerk of the district
19 court shall report and submit to the state court administrator,
20 not later than the fifteenth day of each month, the fines and
21 fees received during the preceding calendar month. Except
22 as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the
23 state court administrator shall deposit the amounts received
24 with the treasurer of state for deposit in the general fund of
25 the state. The state court administrator shall report to the
26 legislative services agency within thirty days of the beginning
27 of each fiscal quarter the amount received during the previous
28 quarter in the account established under this section.

29 Sec. 4. Section 602.8108, Code 2014, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 5A. The clerk of the district court shall
32 remit all moneys collected from the assessment of the human
33 trafficking victim surcharge provided in section 911.2A to the
34 state court administrator no later than the fifteenth day of
35 each month for deposit in the human trafficking victim fund

1 created in section 915.95.

2 Sec. 5. Section 710.10, Code 2014, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 7. For purposes of this section, methods
5 of enticement include but are not limited to personal contact
6 and communication by any means including through the mail,
7 telephone, internet, or any social media, and include text
8 messages, instant messages, and electronic mail.

9 Sec. 6. Section 725.1, Code 2014, is amended to read as
10 follows:

11 **725.1 Prostitution.**

12 1. A Except as provided in subsection 3, a person who sells
13 or offers for sale the person's services as a partner in a sex
14 act commits an aggravated misdemeanor. ~~or~~

15 2. A person who purchases or offers to purchase such
16 a person's services, as a partner in a sex act commits an
17 aggravated misdemeanor.

18 3. If the person who sells or offers for sale the person's
19 services as a partner in a sex act pursuant to subsection
20 1 is under the age of eighteen, the county attorney may
21 elect, in lieu of filing a petition alleging that the person
22 has committed a delinquent act, to refer the person to the
23 department of human services for the possible filing of
24 a petition alleging that the person is a child in need of
25 assistance.

26 Sec. 7. NEW SECTION. **802.2B Sexual exploitation of a minor.**

27 An information or indictment for sexual exploitation of
28 a minor under section 728.12 committed on or with a person
29 who is under the age of eighteen years shall be found within
30 ten years after the person upon whom the offense is committed
31 attains eighteen years of age, or if the person against whom
32 the information or indictment is sought is identified through
33 the use of a DNA profile, an information or indictment shall be
34 found within three years from the date the person is identified
35 by the person's DNA profile, whichever is later.

1 Sec. 8. Section 802.3, Code 2014, is amended to read as
2 follows:

3 **802.3 Felony — aggravated or serious misdemeanor.**

4 In all cases, except those enumerated in section 802.1,
5 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
6 for a felony or aggravated or serious misdemeanor shall be
7 found within three years after its commission.

8 Sec. 9. Section 808B.3, Code 2014, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 6. A felony offense involving human
11 trafficking in violation of chapter 710A.

12 Sec. 10. Section 902.9, subsection 2, Code 2014, is amended
13 to read as follows:

14 2. The surcharges required by sections 911.1, 911.2,
15 911.2A, and 911.3 shall be added to a fine imposed on a class
16 "C" or class "D" felon, as provided by those sections, and are
17 not a part of or subject to the maximums set in this section.

18 Sec. 11. Section 903.1, subsection 4, Code 2014, is amended
19 to read as follows:

20 4. The surcharges required by sections 911.1, 911.2,
21 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a
22 misdemeanant as provided in those sections, and are not a part
23 of or subject to the maximums set in this section.

24 Sec. 12. NEW SECTION. **911.2A Human trafficking victim**
25 **surcharge.**

26 1. In addition to any other surcharge, the court or clerk
27 of the district court shall assess a human trafficking victim
28 surcharge of one thousand dollars if an adjudication of
29 guilt or a deferred judgment has been entered for a criminal
30 violation of section 725.1, subsection 2, or section 710A.2,
31 725.2, or 725.3.

32 2. In the event of multiple offenses, the surcharge shall be
33 imposed for each applicable offense.

34 3. The surcharge shall be remitted by the clerk of court as
35 provided in section 602.8108, subsection 5A.

1 PROSTITUTION — MINOR. The bill provides that if a person
2 who sells or offers for sale the person's services as a partner
3 in a sex act (prostitution) is under the age of 18, the county
4 attorney may elect, in lieu of filing a delinquency petition in
5 juvenile court, to refer the person to the department of human
6 services for the possible filing of a petition alleging that
7 the person is a child in need of assistance.

8 SEXUAL EXPLOITATION OF A MINOR — STATUTE OF LIMITATION. The
9 bill increases the statute of limitation period for the filing
10 of an information or indictment for the criminal offense of
11 sexual exploitation of a minor from three years to 10 years
12 after the person upon whom the offense is committed attains 18
13 years of age, or if the person against whom the information or
14 indictment is sought is identified through the use of a DNA
15 profile, an information or indictment shall be filed within
16 three years from the date the person is identified by the
17 person's DNA profile, whichever is later.

18 HUMAN TRAFFICKING SURCHARGE. The bill provides for the
19 assessment of a \$1,000 human trafficking victim surcharge if an
20 adjudication of guilt or a deferred judgment has been entered
21 for a criminal violation of Code sections 725.1, subsection
22 2 (prostitution by a purchaser of sexual services) or 710A.2
23 (human trafficking), 725.2 (pimping), and 725.3 (pandering).
24 The surcharge shall be deposited into the human trafficking
25 victim fund created in the bill. The surcharge takes effect
26 January 1, 2015.

27 HUMAN TRAFFICKING VICTIM FUND. The bill creates a human
28 trafficking victim fund to be administered by the department of
29 justice to be used for awarding moneys to programs that provide
30 services and support to human trafficking victims, including
31 public outreach and awareness programs and service provider
32 training programs. Notwithstanding Code section 8.33, any
33 balance in the fund on June 30 of any fiscal year shall not
34 revert to the general fund of the state.

35 COMMUNICATIONS INVOLVING HUMAN TRAFFICKING. Under the bill,

1 the attorney general may prepare an application for a court
2 order authorizing the interception of wire, oral, or electronic
3 communications involving a felony human trafficking offense
4 under Code chapter 710A. The court, subject to Code chapter
5 808B, may grant such an order authorizing the interception
6 of oral, wire, or electronic communications by special state
7 agents of the department of public safety when the interception
8 of such communications may provide evidence of a felony offense
9 involving human trafficking.